

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Vonnie Darin Darby,	)	
	)	
Petitioner,	)	<b>ORDER RE AMENDMENT TO</b>
	)	<b>CAPTION</b>
vs.	)	
	)	
Tim Schuetzle, (former) Warden, and	)	
Robyn Schmalenberger, (successor) Warden,	)	
North Dakota State Pen.,	)	
	)	Case No. 1:10-cv-056
Respondents.	)	

---

Petitioner named Timothy Schuetzle, former Warden of the North Dakota State Penitentiary, as a respondent in this action. The court takes judicial notice of the fact that Timothy Schuetzle has retired and is no longer employed by the North Dakota Department of Corrections and Rehabilitation. Accordingly, the court on its own motion **ORDERS** that the caption of the above entitled action be hereafter amended to name Warden Robyn Schmalenberger as the sole respondent.

**IT IS SO ORDERED.**

Dated this 14th day of September, 2010.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge